

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Land Division
Honolulu, Hawaii 96813

February 11, 2010

Board of Land and Natural Resources
State of Hawaii
Honolulu, Hawaii 96809

PSF No.: 09OD-114

Oahu

Cancellation of Revocable Permit No. 170 and Issuance of Revocable Permit to
Auwaiolimu Congregational Church, Punchbowl, Honolulu, Oahu; Tax Map Key:
(1) 2-2-014: 026 and 017.

APPLICANT:

Auwaiolimu Congregational Church, a domestic nonprofit corporation, whose mailing
address is P.O. Box 11098, Honolulu, Hawaii 96828.

LEGAL REFERENCE:

Sections 171-13 and -55, Hawaii Revised Statutes, as amended.

LOCATION:

Portion of Government lands situated at Punchbowl, Honolulu, Oahu; identified by Tax
Map Key: (1) 2-2-014:026 and 017, as shown on the attached map labeled Exhibit A.

AREA:

Parcel 26: 3,046 square feet, more or less.
Parcel 17: 5,627 square feet, more or less.
Total Area: 8,673 square feet, more or less

ZONING:

State Land Use District:	Urban
City and County of Honolulu LUO:	R-5

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act

DHHL 30% entitlement lands pursuant to the Hawaii State Constitution:

YES ___ NO x

CURRENT USE STATUS:

Parcel 17 is unencumbered with an encroachment as mentioned in the Remarks section.
Parcel 26 is encumbered by Revocable Permit No. 170 since 1942 to Auwaiolimu
Mission for mission house purposes.

CHARACTER OF USE:

Church purposes.

COMMENCEMENT DATE:

To be determined by the Chairperson.

MONTHLY RENTAL:

\$40.00, see Remarks section

COLLATERAL SECURITY DEPOSIT:

Twice the monthly rental.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

In accordance with the "Division of Land Management's Environmental Impact Statement Exemption List", approved by the Environmental Council and dated April 28, 1986, the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Class No. 1, that states "Operations, repairs or maintenance of existing structures, facilities, equipment or topographical features, involving negligible or no expansion or change of use beyond that previously existing." Both parcels have been leased out between the 1940's and 1950's.

DCCA VERIFICATION:

Place of business registration confirmed:	YES <u>x</u>	NO ___
Registered business name confirmed:	YES <u>x</u>	NO ___
Applicant in good standing confirmed:	YES <u>x</u>	NO ___

REMARKS:

In July 2009, staff conducted a site inspection of the church site and observed the building improvements occupying two State-owned parcels consisting of Tax Map Key: (1) 2-2-014: 017 and 026. Subsequently, staff met with the Reverend John Kalili of the Auwailimu Congregational Church to discuss the need to cancel the existing revocable permit and to issue a new revocable permit in its place to encumber both parcels.

At that meeting, Reverend Kalili stated that after the revocable permit for abutting parcel number 17 was initially cancelled in the 1970's, he had approached this office to express an interest in obtaining a revocable permit for the same parcel on behalf of the church's use. After the meeting, staff found a letter dated 1976 requesting the use of the adjacent parcel 17. But, the request was never followed up. In 1982, the applicant had built the new church improvements which straddles over both parcels. Further, he stated that the church had obtained consent from this office prior to proceeding with the completion of the building project upon both parcels. Staff notes that a building permit was issued but there was no record of approval by the State on the improvement.

Staff discovered that a similar conversation was held in 2002, but the issue of the encroachment without the State's authorization was never resolved.

During the interim, Revocable Permit No. 170 had continued to be renewed annually.

To resolve the problem, staff supports the subject request for a new revocable permit at a monthly rent of \$40.00 which is identical to other leases of non-profit organizations. When the applicant obtains all relevant documents for issuance of a direct lease, staff will bring the request to the Board for consideration. Staff suggests that a monetary fine not be charged to the church for its use and occupancy of parcel number 17, due to a long term history of having been in good standings with the State.

The applicant has not had a lease, permit, easement or other disposition of State lands terminated within the last five years due to noncompliance issues.

The Department of Planning and Permitting does not object to the request for a new disposition provided that there are no increases to the current subject nonconformities and that no further expansion to the use of the meeting facility occurs.

The Department of Hawaiian Home Lands, Department of Facility Maintenance, the Board of Water Supply and the State Historic Preservation Division have no objections/comments to the request.

The Office of Hawaiian Affairs, Department of Health and Commission on Water Resource Management had not responded as of the suspense date of this request.

RECOMMENDATION: That the Board:

1. Authorize the cancellation of Revocable Permit No. 170.
2. Authorize the issuance of a new revocable permit to Auwaiolimu Congregational Church covering the subject areas for church purposes under the terms and conditions cited above, which are by this reference incorporated herein and further subject to the following:
 - a. The standard terms and conditions of the most current revocable permit form, as may be amended from time to time;
 - b. Review and approval by the Department of the Attorney General; and
 - c. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,

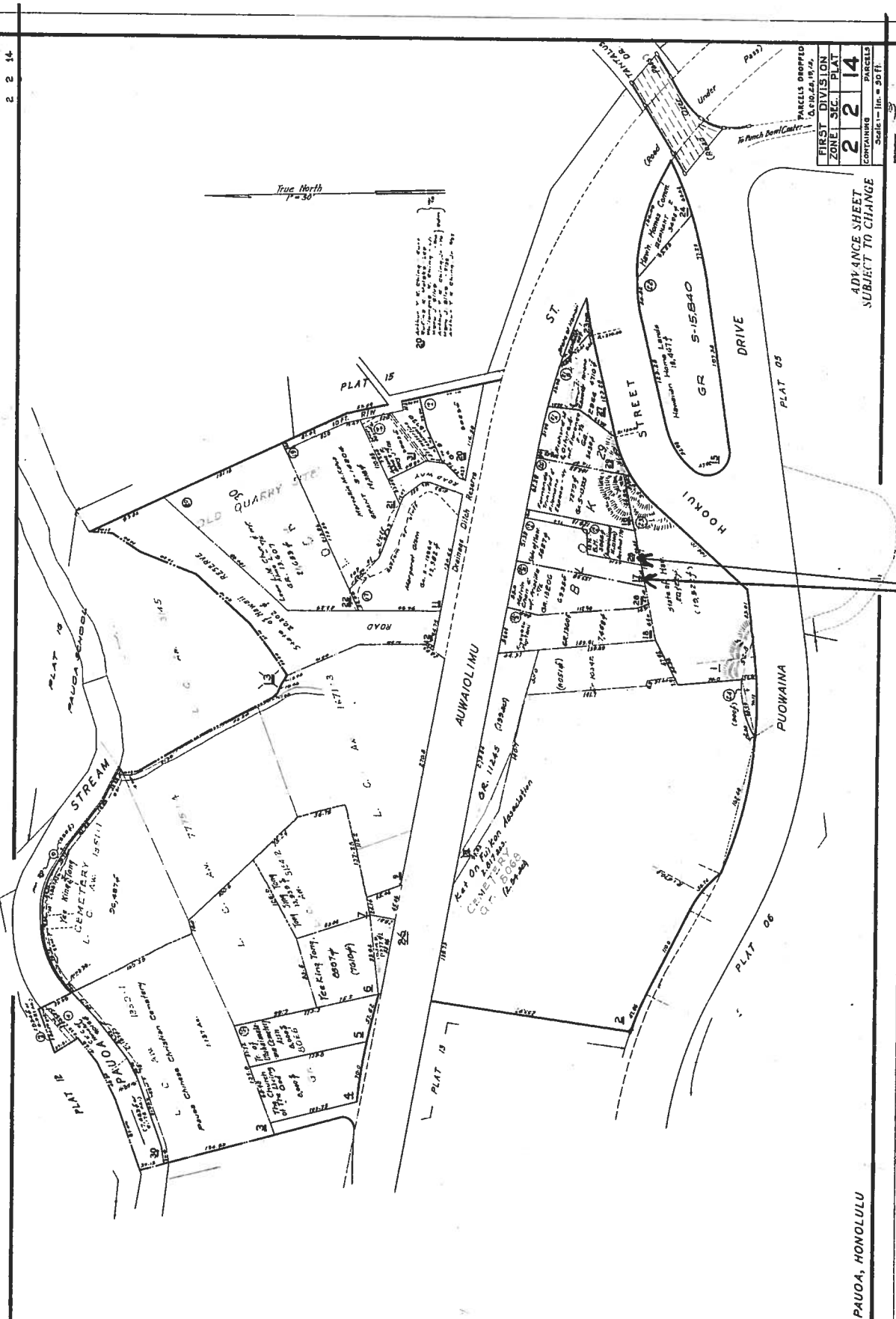


Timmy Che
Land Agent

APPROVED FOR SUBMITTAL:



Laura H. Thielen, Chairperson 



PAUOA, HONOLULU

ADVANCE SHEET
SUBJECT TO CHANGE

FIRST DIVISION	
ZONE	SEC. PLAT
2	2 14
CONTAINING PARCELS	

Abstract

SUBJECT

[illegible]

DMG No. 1242
By: IA-MR-TEA, EQ, MSJ
Source: Kun-Lung Day, 1st Meeting

EXHIBIT "A"